

June 13, 2023
(27) ARDR

WPA 28945 of 2022

Joydev Garang
Vs.
The State of West Bengal & Ors.

Adv. Susanta Kumar Rakshit,
Adv. Manish Biwas,

...for the petitioner.

Adv. Chandi Charan De,
Adv. Anirban Sarkar,

...for the State.

Heard learned counsels for the parties.

Being the highest bidder in an e-auction floated by the respondents on 2nd August, 2017 and upon depositing the prescribed fees, the petitioner was granted long term mining lease for a period of five years vide deed of lease executed and registered on 6th April, 2018 and 9th April, 2018 respectively and possession of the block in question was made over to the petitioner on 7th December, 2018. The petitioner was, therefore, unable to commence mining operation till 7th December, 2018. Learned counsel for the petitioner draws the attention of this Court to Clause 5 of Part IX of the deed of lease which indicates that if through force majeure, fulfillment by the lessee of any of the terms and conditions of the lease be delayed, the period of such delay shall be added to the period fixed by the lease. Also, due to covid-19 pandemic, the petitioner was not in a position to continue mining operation and for the said reasons, has filed a representation before the concerned

authority on 13th December, 2022 for extension of the deed of lease. Said representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondents submits that the 4th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 4th respondent to consider and dispose of the representation submitted by the petitioner dated 13th December, 2022 within six weeks from the date of communication of this order in terms of clause 5 of Part IX of the deed of lease upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the aforesaid directions, WPA 28945 of 2022 is disposed of.

There shall however, be no order as to costs.

Since no affidavit in opposition is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties on usual undertakings.

(Suvra Ghosh, J.)